

Restaurant Off Premises Alcoholic Beverages Permission -By The Drink-



Frequently Asked Questions

WHAT IS ALCOHOL "SOLD BY THE DRINK"?

- It's an alcoholic beverage (wine, beer, and mixed drinks or cocktails) sold or prepared by a license holder or employee of a license holder on site for carryout, curbside, or delivery.

WHO CAN SELL ALCOHOLIC BEVERAGES BY THE DRINK?

- Establishments with on-premise licenses that have been approved for carryout, curbside, or delivery by the Board of License Commissioners. Qualifying establishments must apply for a Restaurant Off Premises Alcoholic Beverages permission by visiting:

www.montgomerycountymd.gov/ABS/licensure/eforms/

DOES THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK HAVE TO BE ACCOMPANIED WITH THE SALE OF FOOD?

- Yes, alcoholic beverages by the drink must be sold with a meal. Snack food items such as peanuts, popcorn, and potato chips are not considered meals.

HOW MANY ALCOHOLIC BEVERAGES BY THE DRINK MAY A CUSTOMER ORDER IN A SINGLE TRANSACTION?

- Establishments may not sell more than two alcoholic beverages by the drink with a meal in a single transaction. A transaction is a meal sold with no more than two alcoholic beverages.

WHAT ARE THE SIZE AND QUANTITY LIMITATIONS FOR ALCOHOLIC BEVERAGES SOLD BY THE DRINK?

- Beer - 16 ounces
- Wine - 8 ounces
- Mixed drinks - no more than two ounces of liquor per mixed drink or cocktail
- Bottled wine - two bottles
- Six pack of beer - one six pack
- Unopened bottles of spirits or growlers may not be delivered with a meal



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WHAT ARE THE SEALING REQUIREMENTS FOR CONTAINERS USED FOR ALCOHOLIC BEVERAGES SOLD BY THE DRINK?

- Beverages must be provided in the manufacturer's original sealed container or in a container closed with a cap, cork, seal, or lid with no holes for straws or sipping.

CAN I DELIVER ALCOHOL BY THE DRINK OUTSIDE OF MONTGOMERY COUNTY?

- No, delivery of alcohol by the drink can only be made with a meal to residences in Montgomery County.

WHO CAN DELIVER ALCOHOL BY THE DRINK?

- License holders or an employee of the license holders may deliver alcoholic beverages with a meal. Third party contractual agreements with delivery companies (such as Grubhub or Uber Eats) are prohibited.

WHAT ARE THE REQUIREMENTS IF MY BUSINESS DECIDES TO DELIVER ALCOHOL BY THE DRINK?

- Deliveries are subject to the same requirements as off premise retail license holders (Section 5.9 of the Rules and Regulations). These include:
 - Obtaining signed certifications from recipients regarding valid form of identification presented to the deliverer; and
 - Retaining all written certifications on the licensed premises for at least one (1) year and making them available for inspection.

WHEN IS THE CUT-OFF TIME FOR SALES AND DELIVERY OF ALCOHOL BY THE DRINK?

- Carryout, curbside and retail delivery to a residence only in Montgomery County must occur by no later than 11:00 p.m.

IS THE PERMISSION TO SELL ALCOHOLIC DRINKS BY THE DRINK PERMANENT?

- No, legislation signed by the Governor, which took effect July 1, 2021, includes a two year sunset provision. So for now, sales of alcoholic drinks by the drink will expire on June 30, 2023.

QUESTIONS? CALL 240-777-1999 OR EMAIL ABSLICENSING@MONTGOMERYCOUNTYMD.GOV

